

Notice of Allowability	Application No.	Applicant(s)	
	09/600,984	COATES ET AL.	
	Examiner	Art Unit	
	Janet L. Coppins	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment of November 16, 2005.
2. ☒ The allowed claim(s) is/are 17-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Claims 17-33 pending in the instant application.

Information Disclosure Statement

1. Applicant's Informational Disclosure Statement, filed November 28, 2005, has been considered by the Examiner. Please refer to the Applicant's copy of the PTO-1449 form submitted herewith.

Response to Amendment

2. Receipt is acknowledged of Applicants' Amendment, filed November 16, 2005. Accordingly, claim 34 has been cancelled, and claims 17-19, 21, 22, 24, 25, and 28-33 have been amended. Since the non-elected subject matter has been cancelled, the withdrawn claims are rejoined, i.e. claims 18-19 and 28-33 are herein rejoined for examination on the merits.

Obviousness-Type Double Patenting

3. Since copending Application No. 10/441,435 has been abandoned since the previous Office Action, the obviousness-type double patenting rejection is rendered moot and is withdrawn.

4. Therefore, all pending claims are allowable over the prior art.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Art Unit: 1626

In the Specification, after the title and before line 1, please insert the following text, "The present application claims the benefit of priority under 35 U.S.C. 371 of PCT/EP99/00333, filed January 21, 1999, and claims priority under 35 U.S.C. 119 (a)-(d) of United Kingdom patent applications UK 9801630.6, filed January 26, 1999, and UK 9821072.7, filed September 29, 1998. Each of the aforementioned applications is hereby incorporated herein by reference in its entirety."

Allowable Subject Matter

6. Claims 17-33 are allowable, as renumbered claims 1-17. The following is an examiner's statement of reasons for allowance:

This invention relates to novel quinoline derivatives and their compositions, processes of preparation, and methods of use. The compounds in this case are limited to those according to formula (I), and their pharmaceutical compositions. Certain 4-substituted quinoline derivatives are known in the art as having antibacterial properties. However the compounds of the instant claims are neither anticipated nor fairly suggested by the prior art. After a thorough search, the closest of prior art, EP 0 030 044 A1, was found to teach similar 4-substituted quinoline derivatives and their preparation, that have anti-hypertensive activity. However the EP patent application fails to disclose the same substituted quinoline compounds of the instant claims, and does not teach their use as antibacterial agents. Therefore, the prior art fails to teach, anticipate, or fairly suggest the recited compounds according to formula (I). Applicants demonstrate the antibacterial activity of the claimed compounds in the specification, against several infectious bacterial organisms, including *E. coli* ESS, *Staph. aureus* "south", *Staph. aureus* V573, *Staph. aureus* Russell, *Staph. epidermis* 11047, *B. subtilis* 6633, and *Strep. faecalis* I.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1626

Telephone Inquiry

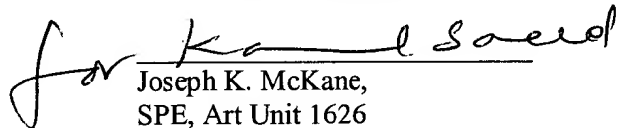
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins
February 4, 2006

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER


Joseph K. McKane,
SPE, Art Unit 1626